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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNUDSON ET AL. Examiner: UNKNOWN  
Serial No.: 10/824,673 Group Art Unit: 3736  
Filed: APRIL 15, 2004 Docket: 13033.1USC9  
Confirmation No.: 8063  
Due Date: JULY 15, 2004  
Title: BRAIDED IMPLANT FOR SNORING TREATMENT

## CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 14, 2004.

By: 

Name: KATE CANNON

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

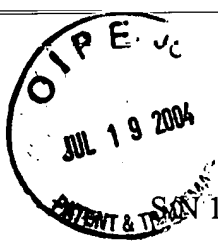
MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By: 

Name: Karen A. Fitzsimmons

Reg. No.: 50,470

KFitzsimmons:PLSklg



Serial No. 10/824,673

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	KNUDSON ET AL.	Examiner:	UNKNOWN
Serial No.:	10/824,673	Group Art Unit:	3736
Filed:	APRIL 15, 2004	Docket No.:	13033.1USC9
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By: 

Name: KATE GANNON

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office in parent applications, U.S. Serial No. 10/434,517 filed on May 7, 2003, U.S. Serial No. 10/036,915 filed on January 3, 2002 (now U.S. Patent No. 6,634,362), U.S. Serial No. 09/513,432, filed on February 25, 2000 (now U.S. Patent No. 6,450,169), U.S. Serial No. 09/434,653, filed November 5, 1999 (now U.S. Patent No. 6,401,717), and U.S. Serial No. 09/398,991, filed September 17, 1999 (now U.S. Patent

No. 6,250,307). A copy of U.S. Patent No. 6,634,362 also listed on the attached Form 1449 is not enclosed as this application was filed after June 30, 2003.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date:

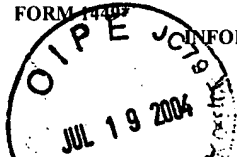
July 14, 2004

Karen A. Fitzsimmons

Karen A. Fitzsimmons  
Reg. No. 50,470  
KAF:PLSklg


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PATENT TRADEMARK OFFICE

<b>FORM 1449</b>  <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 13033.1USC9	Application Number: 10/824,673
	Applicant: KNUDSON ET AL.	
	Filing Date: 04/15/2004	Group Art Unit: 3736

U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,998,209	12/21/1976	Macvaugh			
	4,830,008	05/16/1989	Meer			
	4,978,323	12/18/1990	Freedman			
	5,046,512	09/10/1991	Murchie			
	5,052,409	10/01/1991	Tepper			
	5,133,354	07/28/1992	Kallok			
	5,176,618	01/05/1993	Freedman			
	5,178,156	01/12/1993	Takishima et al.			
	5,190,053	03/02/1993	Meer			
	5,281,219	01/25/1994	Kallok			
	5,284,161	02/08/1994	Karell			
	5,456,662	10/10/1995	Edwards et al.			
	5,514,131	05/07/1996	Edwards et al.			
	5,540,733	07/30/1996	Testerman et al.			
	5,591,216	01/07/1997	Testerman et al.			
	5,674,191	10/07/1997	Edwards et al.			
	5,718,702	02/17/1998	Edwards			
	5,792,067	08/11/1998	Karell			
	5,843,021	12/01/1998	Edwards et al.			
	Re. 36,120	03/02/1999	Karell			
	5,897,579	04/27/1999	Sanders			
	5,922,006	07/13/1999	Sugerman			
	6,098,629	08/08/2000	Johnson et al.			
	6,250,307	06/26/2001	Conrad et al.			
	6,401,717	06/11/2002	Conrad et al.			
	6,450,169	09/17/2002	Conrad et al.			
	6,634,362	10/21/2003	Conrad et al.			
	6,679,918 B1	01/20/2004	Benedict et al.			

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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	Filing Date: 04/15/2004	Group Art Unit: 3736

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	44 12 190 A1	12/10/95	DE				
	199 20 114 A1	09/11/00	DE				
	38 30 481 A1	03/22/1990	DE				X
	200 15 980 U1	03/29/2001	DE				X
	0 706 808	04/17/1996	EP				
	1 039 859 B1	12/03/2003	EP				
	WO 00/59398	10/12/2000	PCT				
	1553140	03/30/1990	SU			Abstract	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
		Boot, H. et al., "Long-Term Results of Uvulopalatopharyngoplasty for Obstructive Sleep Apnea Syndrome", <i>The Laryngoscope</i> , pp. 469-475 (March 2000).					
		Cole, P. et al., "Snoring: A Review and a Reassessment", <i>The Journal of Otolaryngology</i> , Vol. 24, No. 5, pp. 303-306 (1995)					
		Coleman, S. et al., "Midline Radiofrequency Tissue Reduction of the Palate for Bothersome Snoring and Sleep-Disordered Breathing: A Clinical Trial", <i>Otolaryngology-Head and Neck Surgery</i> , pp. 387-394 (March 2000).					
		Dalmasso, F. et al., "Snoring: analysis, measurement, clinical implications and applications", <i>Eur. Respir. J.</i> , Vol. 9, pp. 146-159 (1996)					
		Ellis, P. D. M. et al., "Surgical relief of snoring due to palatal flutter: a preliminary report", <i>Annals of the Royal College of Surgeons of England</i> , Vol. 75, No. 4, pp. 286-290 (1993).					
		Fischer, Y. et al., "Die Radiofrequenzablation des weichen Gaumens (Somnoplastik)", <i>Redaktion</i> , pp. 33-40 (2000).					
		Harries, P.G. et al., "Review Article: The surgical treatment of snoring", <i>The Journal of Laryngology and Otolaryngology</i> , Vol. 110, pp. 1105-1106 (December 1996)					
		Huang, L., "Flutter of Cantilevered Plates in Axial Flow", <i>Journal of Fluids and Structures</i> , Vol. 9, pp. 127-147 (1995).					
		Huang, L. et al., "Biomechanics of snoring", <i>Endeavour</i> , Vol. 19, No. 3, pp. 96-100 (1995)					
		Kasey, K. et al., "Radiofrequency Volumetric Reduction of the Palate: An Extended Follow-Up Study", <i>Otolaryngology-Head and Neck Surgery</i> , Vol. 122, No. 3, pp. 410-414 (March 2000).					
		LaFrentz, J.R.L. et al., "Palatal stiffening techniques for snoring in a novel canine model", <i>ARO Abstracts</i> , Vol. 22, Abstract No. 499, pp. 125 - 126 (February 13 - 18, 1999)					
		Lorenz, C., "If he Snores - what can you do about it?", <i>Today's Woman</i> , July 1948, p.112.					
		Schwartz, R.S. et al., "Effects of electrical stimulation to the soft palate on snoring and obstructive sleep apnea", <i>J. Prosthet. Dent.</i> , Vol. 76, No. 3, pp. 273-281 (1996)					
		Wiltfang, J. et al., "First results on daytime submandibular electrostimulation of suprahyoid muscles to prevent night-time hypopharyngeal collapse in obstructive sleep apnea syndrome", <i>Int. J. Oral Maxillofac. Surg.</i> , Vol. 28, pp. 21-25 (1999)					

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	Applicant: KNUDSON ET AL.	
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		Brochure, "Our Diagnostic Procedures are a Snap®!", <i>Snap Laboratories</i> , 4 pgs.
		Brochure, "Snore-Free Nights - Guaranteed!", <i>Your Health News</i> , 2 pgs.
		Brochure, "Snoreless™", <i>Nutrition for Life International</i> , 2 pgs. (December 1999).
		Brochure, "Haven't you suffered from Snoring long enough", <i>Somnoplasty<sup>SM</sup></i> , 2 pgs.

**23552**

PATENT TRADEMARK OFFICE

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